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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/095,397	06/10/1998	WOLFGANG KUSCHKE	233	9603

7590 11/30/2001

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[REDACTED] EXAMINER

MANCHO, RONNIE M

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3661

DATE MAILED: 11/30/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/095,397	KUSCHKE ET AL.
	Examiner	Art Unit
	Ronnie Mancho	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_ .

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities:

Page 1 of the specification needs to be rewritten in proper idiomatic English.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 5, & 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaneshige et al (5876223).

Regarding claim 1, Kaneshige A. et al (fig. 12) discloses a screening housing for microwave circuits comprising: a housing body having an interior, said housing body opened at least at one side thereof; a cover 11 closing said interior of said housing body; a substrate 12 mounted on an inner side of said cover 11; and means forming a plurality of chambers provided for accommodating of individual circuit units 17 so that said individual circuit units 17 are screened from one another; said means including said substrate 12 on said inner side of said cover 11 and a plurality of webs 13 which are formed directly on said substrate 12 so that when

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said cover 11 closes said housing body said webs 13 form separating walls between said chambers.

Regarding claim 2, Kaneshige A. et al (fig. 12) discloses the screening housing, wherein said housing body is composed of an electromagnetic energy screening material (nickel, copper plating, cot. 4, lines 4-6).

Regarding claim 5, Kaneshige A. et al (fig. 12) discloses the screening housing, wherein said substrate 12 and webs 13 are formed of one piece with one another.

Regarding claim 6, Kaneshige A. et al (fig. 12, cot. 4, lines 4-6) discloses the screening housing, wherein said substrate 12 and webs 13 are composed of the same material.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 7, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneshige et al in view of Chung et al (5827997).

Regarding claim 3, Kaneshige A. et al (fig. 12) discloses the screening housing, but did not particularly mention that the substrate is composed of a polymer with embedded metal particles. However, Chung et al (col. 1, lines 39+) teaches of an electromagnetic shielding material composed of a polymer with embedded metal particles. Therefore, it would have been

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obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because a polymer with embedded metal particles is cheaper as taught by Chung, col. 1, lines 30+.

Regarding claim 4, Kaneshige A. et al (fig. 12) discloses the screening housing, but did not particularly mention that the substrate is composed of a silicone mass with embedded metal particles. However, Chung et al (col. 5, line 65) teaches of an electromagnetic shielding material, wherein a substrate (matrix) is composed of a silicone mass with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a silicone mass with embedded metal particles because it is cheaper as taught by Chung et al, col. 2, line 24.

Regarding claim 7, Kaneshige A. et al (fig. 12) discloses a screening housing for microwave circuits comprising: a housing body having an interior, said housing body opened at least at one side thereof; a cover 11 closing said interior of said housing body; a substrate 12 applied on an inner side of said cover 11; and means forming a plurality of chambers provided for accommodating of individual circuit units 17 so that said individual circuit units 17 are screened from one another, said means including said substrate 12 applied on inner side of said cover 11, and a plurality of webs 13 formed directly on said substrate 12 so that when said cover 11 closes said housing body said webs 13 form separating walls between said chambers. Although Kaneshige A. et al (fig. 12) discloses said substrate 12, they did not particularly mention that the substrate is composed of a polymer with embedded metal particles. However,

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Chung et al (col. 5, lines 64+) teaches of an electromagnetic shielding material composed of a polymer (matrix) with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because it is cheaper as taught by Chung et al, col. 2, line 24.

Regarding claim 8, Kaneshige A. et al (fig. 12) in view of Chung et al disclose the screening housing as in claim 7, wherein said substrate 12 and webs 13 are made from the same material and formed of one piece with one another.

*Response to Arguments*

6. Applicant's arguments filed 9-28-2001 have been fully considered but they are not persuasive.

The applicants have submitted arguments requesting reconsideration by the examiner. The request for reconsideration has been entered after the office approved applicants' petition to revive under 37 CFR 1.137 (b), filed September 24, 2001. There were no amendments submitted.

The examiner has carefully read applicants arguments, but the arguments are not persuasive. The examiner had issued an objection to the applicants' specification, page 1, requesting that page 1 be written in proper idiomatic English. Particularly, there is a missing statement after "Germany" line 5. The objection still stands since the applicants have not amended or corrected the error.

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Turning to the new arguments filed 9-28-01, the applicants have conceded on page 2 that Kaneshige et al disclose the limitations of the independent claims. Accordingly, Kaneshige et al anticipate the claim limitations. Therefore the basis of the submitted arguments is not understood. In addition, the applicants argue that Kaneshige does not disclose a cross-section of the structure of the casing. In response, there was not such a limitation in the claims.

Next, the applicants argue "as best understood by the examiner" that in the Kaneshige patent, the shielding layer is applied to the walls 13 and the casing 11 after the walls 13 and the casing 11 have been formed together in one piece. The examiner disagrees. There is no teaching in Kaneshige that the walls 13 are first of all formed in one place with the casing 11 and then a shielding layer applied thereto later. Even if the above argument was correct, such limitations were not in the claims.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is some teaching, suggestion, and motivation in Chung et al (5827997) to modify the Kaneshige invention. That is Kaneshige A. et al (fig. 12) disclose a substrate 12, but they did not particularly mention that the substrate is composed of a polymer with embedded metal particles. However, Chung et al (col. 5, lines 64+) teaches of an electromagnetic shielding material composed of a polymer (matrix) with embedded metal particles. Therefore, it would

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have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because it is **cheaper** as taught by Chung et al, col. 2, line 24.

Therefore, the above rejections are proper and do stand.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Communication*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs; 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho  
Examiner  
Art Unit 3661

November 19, 2001



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600